

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 16231 OF 1996

BETWEEN

Kommanaboina Narayana Rao & another

.....**Petitioners**

And

The District Collector,
Krishna District at Machilipatnam
& others

.....**Respondents**

:: O R D E R ::

Counsel for the Petitioners : Shri Y. Rama Rao

Counsel for the Respondents : Government Pleader for
Irrigation and
Common Area
Development

Dated: 22.08.2006

In this petition, the petitioners have prayed for restraining the respondents from dispossessing them from land comprised in

Revenue Survey No.244 situated at Gudlavalleru Village, Krishna District.

At the hearing, learned Government Pleader fairly stated that although lease was granted to the petitioners for a limited period of three years from 01.04.1963 to 31.03.1966, they continued in possession after expiry of the lease period and no action was taken for their eviction. He further stated that the respondents have accepted the canal bund rent from the petitioners till 31-3-1996.

In the light of the aforementioned statement of the learned Government Pleader, I enquired from him whether any action-oriented notice or opportunity of hearing was given to the petitioners before initiating steps for their eviction. In reply, the learned Government Pleader stated that no such action has so far been taken. Simultaneously, he submitted that the petitioners will be evicted after following due process of law.

In view of the statement made by the learned Government Pleader, the writ petition is disposed of with the following directions:

- (1) Within two months from today, the petitioners shall deposit the arrears of canal bund rent amount.
- (2) The respondents may take appropriate action for eviction of the petitioners after complying with the rules of natural justice. This would necessarily mean that before ordering eviction of the petitioners, the respondents shall give them action-oriented notice and reasonable opportunity of hearing.
- (3) If the Government has framed any policy for regularization of unauthorized occupation of public land, then the

petitioners shall be free to make an application for consideration of their case in accordance with that policy.

G.S.SINGHVI, CJ

ksld

22.08.2006